

TAM:DBS:mel:2000V00753

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

M. ASH-SHARIEF AL'ASKARI,	:	
Plaintiff	:	Civil No. 1:CV-00-1449
	:	(Caldwell, J.)
v.	:	(Smyser, M.J.)
	:	
KATHLEEN HAWKES, et al., ,	:	Electronically Filed
Defendants	:	

DEFENDANT'S EXHIBITS SUBMITTED IN SUPPORT OF
HIS MOTION FOR PROTECTIVE ORDER

THOMAS A. MARINO
United States Attorney

s/ D. Brian Simpson
D. BRIAN SIMPSON
Assistant U.S. Attorney
Atty. I.D. No. OH 71431
316 Federal Building
240 West Third Street
Williamsport, PA 17703
Telephone: 717-221-4482
Facsimile: 717-221-2246

Dated: November 5, 2003

EXHIBIT

1

R. Goldring

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

M. ASH-SHARIEF AL'ASKARI,

PLAINTIFF,

V.

CIVIL NO.1449(CALDWELL)

(SMYSER, M.J.)

KATHLEEN HAWKES ET AL.,

DEFENDANTS

NOTICE OF DEPOSITIONTo: Robert Goldring,
Robin Greggs
Viola HurshC/o Joseph McClusky, Attorney/Advisor,
FCI Allenwood Complex
POB2500
White Deer, PA 17887
FAX (570)547 7751

NOTICE is hereby given to Robert Goldring, Robin Greggs and Viola Hursh pursuant to Federal Rules of Civil Procedure, your oral depositions will be taken before a officer of the court as authorized by law to administer oaths, on Monday, 10 November, 2003 at 11:30 at Esquire Deposition Service, 1880 John F.Kennedy Blvd, 15th Flr., Phila., PA 19103.(Wise Dep 215 972 1761)

Further, pursuant to Federal R. Civ. P. 30(b) (5),(6) you all are requested to produce for inspection and copying at your depositions the following documents:

R.GOLDRING: You are particularly requested to produce for inspection and copying at your deposition all documents created, authorized or signed by you related in part or whole to any action involving you and the plaintiff, directly or in directly, at FCI Allenwood during the period of 1999. Further, you are requested To produce for inspection and copying at your deposition all institution

records policy statements relevant to "donating of property" by inmates, all of the plaintiff's alleged "donations" of his property to the BOP.

R.GREGGS: You are particularly requested to produce for inspection and copying at your deposition all and any of the plaintiff's requests for any administrative remedial actions inclusively while at FCI Allenwood; produce for inspection and copying all Tort Claims filed by the plaintiff against the BOP while he was an inmate at Fairton during the period between 1995 -97; further, produce For inspection and copying all FCI Allenwood's Institution Policy Statements relating to 28 C.F.R.SUBSECT 542.10 ET SEQ., and all records of the UDC AND DHO proceedings involving Goldring, Hursh and the plaintiff during the period of 1999.

V.HURSH: You are particularly requested to produce for inspection and Copying at your deposition the following Record Log Books of UNIT 3A (FCI ALLENWOOD), respectively, the Unit guard's Log book and the Unit counselor's log book for the dates of 4th And 5th of April, 1999.

Certificate of Service

I do hereby certify that I have FAX a copy(s) of the foregoing Notice of Deposition upon the named deponents to their places of business:

BOP
FCI ALLENWOOD COMPLEX
POBOX 2500
C/O JOSEPH McCLUSKY
ATTORNEY-ADVISOR, FCI ALLENWOOD
WHITE DEER, PA 17887
FAX (570)547 7751

Date: Friday, October 31, 2003

M. Ash-Sharief Al'Askari
5737 N.12 St
Phila., PA 19141
Home Phone (215 224 5923)
Cell Phone (215)264 8431



From: M.Ash-Sharief Al'Askari
5737 N.12th Street
Phila., PA 19141

To: D.Brian Simpson
POBox 11754
Harrisburg, PA 17108

Date: October 26, 2003, 7:49 PM

Apparently Simpson you did not take in anything that I communicated to you in our last discussion in Harrisburg; I specifically told you that I cannot be *pushed around*, apparently you do not want to understand anyone but yourself; apparently anything I say or do does not count for a fuckin' thing to you. I thought it was made clear to you, as I made clear to Goldring and others in your business field, that (1) I do not work for you, therefore, I do not take orders from you. In fact, I do not ever take any legal advice from lawyers, particularly from hack lawyers, as most of it is all selfserving, Hack lawyer, such as yourself, as a rule, do not give competent legal advice but only selfserving, bureaucratic diktats. All of your communiqués Simpson to me might appear to be "legal advice" to others outside of this matter, but I know plainly that you are only attempting to manipulate, make everything convenient solely for your office and not for the parties, not for the courts and especially not for me.

You never stop prefacing your "legal advice" to me without your "status", i.e. that you are this, that you are that, that you are the other in this matter, and that you represent this, that you represent that and you represent the other. But in truth, however, you represent in this matter before the court no one other than *another* hack lawyer, Douglas. He is the only defendant in this matter. That being so, I have a legal right to communicate with whom I elect at my discretion. I represent the plaintiff in this matter not you.

Where the fuck do you get off at dictating to me to whom to talk. You are losing your fuckin' mind Simpson. Don't stereotype me dude. This is the very reason Goldring is being sued. He stereotyped me. I have neither sought any "information" nor solicited any legal advice from you. Hack lawyers are not used for that, hack lawyers are only to be used to be a mouthpiece *in court* and do what they are instructed to do and no more *out of court*. Hack lawyers are only to follow the bouncing ball and that's all. Everyone knows this. Even hack judges know this. Simpson you are a hack lawyer. You are not put there to dictate to no one but just to follow the bouncing ball dude and shut up. You are established in a bureaucracy not by your *legality* but by your malleability Simpson, that is, you just say and do whatever the ball bouncer tells you to say and do in the court rooms and *no more*. This is why Simpson you are wasting your time giving me your "advice" about anything in this because you don't work for me dude.

So, stop sending me this junk mail. When it contains information masquerading as "legal advice" to me it is all junk mail to me. I had previously beseeched your office to stop with this junk mail. Because you refused, then all mail addressed to me from your office here on out shall be returned by the post office. I dislike it very much when you hack lawyer revert to manipulating and dictating because that is not what the government and the courts hired you to do, you are hired just to be a hack and you are trying to more than a hack.

You are only a hack lawyer. When do you start telling citizens to whom they can speak and not speak, only the courts can do that, you hack.

Cc: McClusky

M.Ash-Sharief Al'Askari



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

M. ASH-SHARIEF AL'ASKARI,

PLAINTIFF.

V.

KATHLEEN HAWKES ET AL.,

DEFENDENTS

CIVIL NO.1449(CALDWELL, J.)(SMYSER, M.J.)

NOTICE OF DEPOSITION

To: Robin Gregg
Administrative Remedy Coordinator,
U.S.Bureau of Prisons,
Allenwood Complex
POBox 2500
White Deer, PA 17887

To: Viola Hursh,
Inmate Counselor,
U.S.Bureau of Prisons
Allenwood Complex
POBox 2500
White Deer, PA 17887

NOTICE is hereby given to Robin Gregg and Viola Hursh pursuant to Federal Rules of Civil Procedure, your oral depositions will be taken before a officer of the court as authorized by law to administer oaths, on Thursday, August 14, 2003 at 11:00 a.m. at the office of the attorney for the above named party(s), at 7 Federal Bldg., 228 Walnut Street, Harrisburg, PA (Ph:717 221 4482).

Further, pursuant to Federal R. Civ. P.30(b) (5),(6) you both are requested to produce for inspection and copying at your deposition the documents set forth in the ancillary Rule 34 Request for Production of Documents *relevant to the Plaintiff's record of administrative remedy activities while at FCI Allenwood.*

Certificate of Service

I do hereby certify that I have submitted a copy of the foregoing Notice of Deposition upon the named deponents by mailing it the attorney of record for the defendant(s) at his/her place of business: Office of the Asst U.S. Attorney, 316 Federal Building, 240 W. 3rd St, Williamsport, PA 17703. Date: Saturday, August 09, 2003

M. Ash-Sharief Al'Askari

M. Ash-Sharief Al'Askari

5737 N. 12 St

Phila., PA 19141

E-m.: muhammadaskari@comcast.net

Fax: 215 878 6939

Telephone: 215 224 5923



U.S. Department of Justice

Thomas A. Marino
 United States Attorney
 Middle District of Pennsylvania

EXHIBIT

4

William J. Nealon Federal Building
 Suite 311
 235 N. Washington Avenue
 P.O. Box 309
 Scranton, PA 18501-0309
 (570) 348-2800
 FAX (570) 348-2816/348-2830

Harrisburg Federal Building and
Courthouse, Suite 220
 228 Walnut Street
 P.O. Box 11754
 Harrisburg, PA 17108-1754
 (717) 221-4482
 FAX (717) 221-4582/221-2246

Herman T. Schneebell Federal
Building
 Suite 316
 240 West Third Street
 Williamsport, PA 17701-6465
 (570) 326-1935
 FAX (570) 326-7916

Please respond to: Harrisburg Office

August 13, 2003

First Class Mail & Fax (215)878-6939

M. Ash-Sharief Al'Askari
 5737 N. 12 Street
 Philadelphia, PA 19141

RE: *Al'Askari v. Hawkes, et al.*
 No. 1:CV-00-1449 (USDC MDP)

Dear Mr. Al'Askari:

I am writing concerning the Notice of Deposition that you sent to our office in the above-captioned case. The notice indicates that you intend to take the depositions of Robin Greggs and Viola Hursh tomorrow, August 14, 2003, at our office. **Please be advised that neither Greggs nor Hursh will appear for depositions tomorrow.**

Fed. R. Civ. P. 30(b)(1) requires that you give reasonable notice of your intent to depose a witness. The envelope that the notice of deposition arrived in is post-marked August 11, 2003—two days ago. Moreover, this notice was not received until this morning, August 13th—one day before the deposition date set forth on the notice. This is clearly not reasonable notice.

Moreover, in this case neither Greggs nor Hursh are parties to this action. The only remaining parties to this action are you and Mr. Goldring. Because neither Greggs nor Hursh are parties to this action, you must serve a deposition subpoena on them in accordance with Fed. R. Civ. P. 45.¹ Furthermore, Fed. R. Civ. P. 45(b)(1) requires you to tender to the named deponents "the fees for one day's attendance and the mileage allowed by law." A witness has no duty to appear at a deposition unless a subpoena has been properly served upon her and said subpoena is accompanied by a tender of a

¹Likewise, because neither Greggs nor Hursh are parties to this action, they have no duty to respond to a request for production of documents under Fed. R. Civ. P. 34.

witness fee and mileage.² Please note that even though you are proceeding *in forma pauperis*, you are still required to pay your own litigation (discovery) expenses.³ Thus, you if you want to depose any non-party witness, you must tender a witness fee, mileage and pay the stenographer.

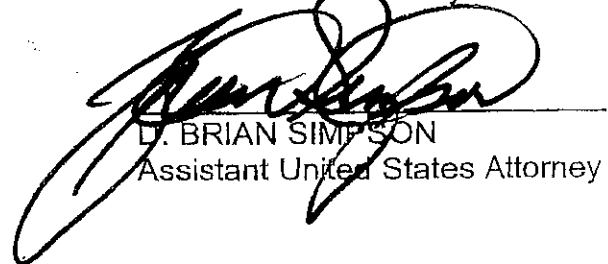
As you know, discovery closes in this case on August 25, 2003. In the event that you would still like to depose Greggs and/or Hursh, and are willing to comply with the Federal Rules of Civil Procedure, our office would agree to accept service of the deposition subpoenas on their behalf. Though I have not yet had an opportunity to speak with Greggs or Hursh about their availability, I am available on August 19th, 20th and 25th.

As a party, your deposition was properly noticed as required by the Federal Rules of Civil Procedure. Our records indicate that you received notice of your deposition on August 2, 2003, via certified mail. Accordingly, you have a duty to appear for your deposition at our office tomorrow, August 14, 2003, at 10 a.m.

Thank you for your attention to this matter.

Sincerely,

THOMAS A. MARINO
United States Attorney



D. BRIAN SIMPSON
Assistant United States Attorney

cc: Joseph McCluskey, Attorney-Advisor, FCI Allenwood
FAX (570)547-7751

Michele Lincalis, Paralegal, Williamsport
FAX (570)326-7916

²*Alexander v. Jesuits of Missouri Province*, 175 F.R.D. 556 (D. Kan. 1997).

³*Tabron v. Grace*, 6 F.3d 147 (3d Cir. 1993), *cert. denied*, 510 U.S. 1196 (1994); *Canady v. Kreider*, 892 F. Supp. 668 (M.D. Pa.), *aff'd per curiam*, 74 F.3d 1225 (3d Cir. 1995); *Boring v. Kokakiewicz*, 383 F.2d 468 (3d Cir. 1987); *Johnson v. Hubbard*, 698 F.2d 286 (6th Cir. 1983); *Rivera v. DisAbato*, 962 F. Supp. 38 (D. N.J. 1997).

EXHIBIT

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
M. ASH-SHARIEF AL'ASKARI,

PLAINTIFF,

V.
KATHLEEN HAWKES ET AL.,

CIVIL NO.1449(CALDWELL, J.)(SMYSER, M.J.)

DEFENDENTS

NOTICE OF DEPOSITION

To: Robin Gregg
Administrative Remedy Coordinator,
U.S. Bureau of Prisons,
Allenwood Complex
POBox 2500
White Deer, PA 17887

To: Viola Hursh,
Inmate Counselor,
U.S. Bureau of Prisons
Allenwood Complex
POBox 2500
White Deer, PA 17887

To: IRVING ALVIN
Reg. No. 47890066
P.O. BOX 2000
FCI Allenwood
White Deer, PA
17887

NOTICE is hereby given to Robin Gregg and Viola Hursh pursuant to Federal Rules of Civil Procedure, your oral depositions will be taken before a officer of the court as authorized by law to administer oaths, on September 9, 2003 at 11:30 a.m. at the office of Joseph McClusky, Attorney, FCI Allenwood Complex, White Deer, PA 17887

Further, pursuant to Federal R. Civ. P.30(b) (5),(6) you both are requested to produce for inspection and copying at your deposition the documents set forth in the ancillary Rule 34 Request for Production of Documents

1. Notice is hereby amended with inmate ALVIN
AND TIME & VENUE OF DEPOSITIONS

M. Ash. Al'Askari

Certificate of Service

I do hereby certify that I have submitted a copy of the foregoing Notice of Deposition upon the named deponents by mailing it the attorney of record for the defendant(s) at his/her place of business: Office of the Asst U.S. Attorney, 316 Federal Building, 240 W. 3rd St, Williamsport, PA 17703. Date: Tuesday, August 27, 2003

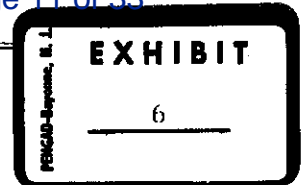
M. Ash-Sharief Al'Askari

M. Ash-Sharief Al'Askari
5737 N. 12 St
Phila., PA 19141

E-m.: muhammadaskari@comcast.net

Fax: 215 878 6939

Telephone: 215 224 5923



Issued by the
UNITED STATES DISTRICT COURT
DISTRICT OF PA

Middle
M. Ash'sharief AL'Askari,
v.
Kathleen Hawkes et. AL,

SUBPOENA IN A CIVIL CASE

Case Number: 1:cv-00-1449
Caldwell, J.
Smyser, M.J.

TO: IRVING ALVIN
Reg. No. 47890-066
FBI ALLENWOOD, White Deer, PA 17887

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

9 Sept 03 11:30

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

FBI ALLENWOOD, P.O. BOX 2500
White Deer PA 17887

DATE AND TIME

9 Sept. 03 11:30 AM

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Any briefs, legal papers, petitions you have previously filed in any court between 1998-1999.

PLACE FBI ALLENWOOD, P.O. BOX 2500
White Deer, PA 17887

DATE AND TIME

9 Sept. 03

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) DATE

MARTIN E. DANDREA

Clerk

J. Smyser Deputy Clerk 27 Aug 2003

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE

PLACE

SERVED

27/8/03

P.O. Box 2000
FET ALLENWOOD, PA 17887

MANNER OF SERVICE

SERVED ON (PRINT NAME)

SERVED BY (PRINT NAME)

TITLE

Via Office of U.S. Attorney

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

27 Sept. 03
DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

5737 N. 12 St
Phila., PA 19141

Issued by the
UNITED STATES DISTRICT COURT

DISTRICT OF

Pennsylvania

SUBPOENA IN A CIVIL CASE

Middle

M. Ash-Sharif Al'Askari,

v.

Kathleen Hawkes et. AL.,

Case Number: 1:00-cv-00-1449

Caldwell, J.,
Smyser, M.S.

TO: Robin Gregg
[SEE ATTACHED NOTICE]

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

Office of Joseph McCluskey, Esq.

DATE AND TIME

FBI Allenwood Complex, White Deer, PA

9 Sept 03, 11:30 AM

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): ALL copies of records maintained by your office of submitted by the plaintiff to the B.O.P., at any time, pursuant to 28 C.F.R. § 542, et. seq. Bureau wide.

PLACE

Office of Joseph McCluskey, Esq.

DATE AND TIME

FBI Allenwood Complex, White Deer, PA

9 Sept 03, 11:30 AM

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

MARY E. D'ANDREA

Clerk of Court, Deputy Clerk

August 27, 2003

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE

PLACE

SERVED

27/8/03

FBI Allenwood PA 17897

SERVED ON (PRINT NAME)

MANNER OF SERVICE

Robin Gregg

Via Office of U.S. Attorneys

SERVED BY (PRINT NAME)

TITLE

X

X

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

27/8/03

DATE

SIGNATURE OF SERVER

5737 N. 12 St

ADDRESS OF SERVER

Phila, PA 19141

Issued by the
UNITED STATES DISTRICT COURT

DISTRICT OF

PENNSYLVANIA

SUBPOENA IN A CIVIL CASE

Case Number: 1-cv-00 1449

CARWELL, J.

Smyser, M.J.

Middle
M. Ash-Sharief AL Askari,
v.
Kathleen Hawkes et. AL;

TO: Viola Hursh
[SEE ATTACHED NOTICE]

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

Office of Joseph McClusky, Esq.
FBI Allenwood Complex, White Deer, PA 9 Sept. 03, 11:30 AM

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

COUNSELOR'S Admini-
strative Remedy Log Book for the period of
March - September, 1999, for Unit 3A, FBI Allenwood

Office of Joseph McClusky, Esq.
FBI ALLENWOOD, WHITE DEER, PA 9 Sept. 03, 11:30 AM

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

MARY E. D'ANDREA Clerk + Deputy Clerk

27 August 03

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

SERVED	DATE 27/8/03	PLACE FBI ALLENWOOD, PA
SERVED ON (PRINT NAME) V. Hursb		MANNER OF SERVICE Via Office of U.S. Attorneys, MADA
SERVED BY (PRINT NAME)		TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 27/8/03
DATE

M. Abdul Sharief Al Maki
SIGNATURE OF SERVER
5737 N. 12 St
ADDRESS OF SERVER
Phila. PA 19141

Certificate of Service

I do hereby certify that I have submitted a copy of the foregoing Notice of Deposition upon the named deponents by mailing it the attorney of record for the defendant(s) at his/her place of business: Office of the Asst U.S. Attorney, 316 Federal Building, 240 W. 3rd St, Williamsport, PA 17703. Date: Tuesday August 27, 2003

M. Ash-Sharief Al'Askari
M. Ash-Sharief Al'Askari

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

M. ASH-SHARIEF AL'ASKARI,

PLAINTIFF,

V.
KATHLEEN HAWKES ET AL.,

CIVIL NO. 1449 (CALDWELL, J.) (SMYSER, M.J.)

DEFENDENTS

NOTICE OF DEPOSITION

To: Robin Greggs
Administrative Remedy Coordinator,
U.S. Bureau of Prisons,
Allenwood Complex
PO Box 2500
White Deer, PA 17887

To: Viola Hursh,
Inmate Counselor,
U.S. Bureau of Prisons
Allenwood Complex
PO Box 2500
White Deer, PA 17887

To: IRVING ALVIN
Reg. No. 47890066
P.O. Box 2500
FCI Allenwood
White Deer, PA
17887

NOTICE is hereby given to Robin Greggs and Viola Hursh pursuant to Federal Rules of Civil Procedure, your oral depositions will be taken before a officer of the court as authorized by law to administer oaths, on September 9, 2003 at 11:30 a.m. at the office of Joseph MacLusk, Attorney, FCI Allenwood Complex, White Deer, PA 17887

Further, pursuant to Federal R. Civ. P. 30(b) (5), (6) you both are requested to produce for inspection and copying at your deposition the documents set forth in the ancillary Rule 34 Request for Production of Documents

1. Notice is hereby Amended with inmate ALVIN
AND TIME & VENUE of depositions

M. Ash. Al'Askari

From: M. Ash-Sharif Al'Askari

To: Robin Gregg

Date: 27 August, 03

Re: Witness & Mileage fee

You are entitled to witness fee and mileage fee to attend your deposition at FET Allenswood Complex at the Office of Joseph McCluskey, Attorney/Advisor and Officer of the Court from M. Ash-Sharif Al'Askari as provided by law. You may, however, waived this tender of fee.

M. Ash-Sharif Al'Askari

5737 N. 12 St.

Phila, PA. 19141

(Ph: 215-224-5923)

E-mail: muhammadaskari

@comcast.net

From: M. Ash Sharief Al'Askari
To: Viola Hurst
Date: 27 August, 03

Re: Tender of fee

You are entitled to witness & mileage fee to attend your deposition at FCI Aldenwood Complex, at the office of Joseph McClusky, attorney, and officer of the Court, from M. Ash Sharief Al'Askari. You may however receive such as a government employee pursuant to law.

M. Ash Sharief Al'Askari
5733 N. 12 St.

Phila. PA 19141

Ph: 215-224-5923

E-mail: muhammadaskari@comcast.net.



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

M. ASH-SHARIEF AL'ASKARI,

PLAINTIFF,

V.

CIVIL NO.1449(CALDWELL)
(SMYSER, M.J.)

KATHLEEN HAWKES ET AL.,

DEFENDANTS

NOTICE OF DEPOSITION

To: Robert Goldring
C/o Joseph McClusky, Attorney/Advisor,
Allenwood Complex
POB2500
White Deer, PA 17887

NOTICE is hereby given to Robert Goldring pursuant to Federal Rules of Civil Procedure, your oral depositions will be taken before a officer of the court as authorized by law to administer oaths, on Tuesday, 9 September, at 11:30 at the office of Joseph McClusky, Esq., attorney advisor to the U.S.Attorneys for the Middle District of Pa, who are representing the above named party(s), at Allenwood Federal Complex, White Deer, PA 17887.

Further, pursuant to Federal R. Civ. P. 30(b) (5),(6) you are requested to produce for inspection and copying at your deposition the documents set forth in the ancillary Rule 34 Request for Production of Documents. Particularly, documents created, signed or authorized by you wholly related to this action involving the plaintiff and you the plaintiff at Allenwood during the period of 1999.

Certificate of Service

I do hereby certify that I have submitted a copy of the foregoing Notice of Deposition upon the named deponents by mailing it to the attorney of record for the defendant(s) at his/her place of business: Office of the U.S. Attorneys, 316 Federal Building, 240 W. 3rd St, Williamsport, PA 17703

Date: 27 August 2003

M. Ash-Sharief Al'Askari
5737 N. 12 St
Phila., PA 19141
E-m.: muhammadaskari@comcast.net
Telephone: 215 224 5923



U.S. Department of Justice

Thomas A. Marino
United States Attorney
Middle District of Pennsylvania

EXHIBIT

9

William J. Nealon Federal Building
Suite 311
235 N. Washington Avenue
P.O. Box 309
Scranton, PA 18501-0309
(570) 348-2800
FAX (570) 348-2816/348-2830

Harrisburg Federal Building and
Courthouse, Suite 220
228 Walnut Street
P.O. Box 11754
Harrisburg, PA 17108-1754
(717) 221-4482
FAX (717) 221-4582/221-2246

Herman T. Schneebeli Federal
Building
Suite 316
240 West Third Street
Williamsport, PA 17701-6465
(570) 326-1935
FAX (570) 326-7916

Please respond to: Harrisburg Office

Federal Express & Fax (215)878-6939

September 3, 2003

M. Ash-Sharief Al'Askari
5737 N. 12 Street
Philadelphia, PA 19141

RE: *Al'Askari v. Hawkes, et al.*
No. 1:CV-00-1449 (USDC MDPA)

Dear Mr. Al'Askari:

I am writing concerning the Notices of Deposition that you sent to our office in the above-captioned case. The notice indicates that you intend to take the depositions of Robert Goldring, Robin Greggs, Viola Hursh and Irving Alvin on September 9, 2003, at FCI Allenwood. **PLEASE BE ADVISED THAT THE DEPOSITIONS CANNOT TAKE PLACE ON SEPTEMBER 9, 2003, at FCI ALLENWOOD.**

First, the warden of FCI Allenwood will not agree to have the depositions conducted at the prison. Moreover, you have no right to conduct depositions at Allenwood. Therefore, I suggest that the depositions take place at our office in Harrisburg.

Second, Douglas Goldring is not available on September 9th. Mr. Goldring is no longer at Allenwood. Nonetheless, I have contacted Goldring, Greggs and Hursh to ascertain their availability to be deposed. As early as tomorrow, I hope to provide you with a list of dates that each witness and I are available. Hopefully, we can select a date that is convenient for all parties.

Third, you have indicated that you wish to depose Irving Alvin. It is my understanding that Alvin is an inmate at Allenwood. Accordingly, Fed. R. Civ. P. 30(a)(2) requires you to obtain leave of court before deposing an inmate.

Thank you for your attention to this matter.

Sincerely,

THOMAS A. MARINO
United States Attorney



D. BRIAN SIMPSON
Assistant United States Attorney

cc: Joseph McCluskey, Attorney-Advisor, FCI Allenwood
FAX (570)547-7751

Michele Lincalis, Paralegal, Williamsport
FAX (570)326-7916

U.S. Department of Justice



Thomas A. Marino
United States Attorney
Middle District of Pennsylvania

EXHIBIT

10

William J. Nealon Federal Building
Suite 311
235 N. Washington Avenue
P.O. Box 309
Scranton, PA 18501-0309
(570) 348-2800
FAX (570) 348-2816/348-2830

Harrisburg Federal Building and
Courthouse, Suite 220
228 Walnut Street
P.O. Box 11754
Harrisburg, PA 17108-1754
(717) 221-4482
FAX (717) 221-4582/221-2246

Herman T. Schneebeli Federal
Building
Suite 316
240 West Third Street
Williamsport, PA 17701-6465
(570) 326-1935
FAX (570) 326-7916

Please respond to: Harrisburg Office

September 5, 2003

FEDERAL EXPRESS

M. Ash-Sharief Al'Askari
5737 N. 12 Street
Philadelphia, PA 19141

RE: *Al'Askari v. Hawkes, et al.*
No. 1:CV-00-1449 (USDC MDP)

Dear Mr. Al'Askari:

I am writing concerning the Notices of Deposition that you sent to our office in the above-captioned case. The notice indicates that you intend to take the depositions of Robert Goldring, Robin Greggs, Viola Hursh and Irving Alvin on September 9, 2003, at FCI Allenwood. **The depositions cannot take place on September 9th at Allenwood for a number of reasons: (1) the warden will not agree to have the depositions conducted at Allenwood; (2) Goldring is not available on September 9th; (3) you have failed to tender mileage and witness fees to Hursh and Greggs; and (4) you must obtain leave of court to depose Alvin, an inmate at Allenwood.**

Because the warden will not permit the depositions to be taken at FCI Allenwood, I suggest that the depositions be taken at our Harrisburg office. Furthermore, I have been informed that Goldring, Hursh and Greggs are all available the week of September 29th through October 2nd. Therefore, I suggest that we reschedule the depositions for a date certain that week. I would prefer that we proceed on Monday, September 29th, depending on your availability. Once we agree on a mutually convenient date, I will make arrangements to reserve a conference room.

Please be advised that you are responsible for making arrangements for a stenographer to attend any depositions that you wish to take.¹ Likewise, you are responsible for all costs incurred in any such depositions.² The Government **will not** make the arrangements for you. Please be aware that if the depositions cannot go forward because you have failed to make the proper arrangements, the Government will seek to recover its costs from you.

Turning to the witnesses you intend to depose:

Douglas Goldring

Mr. Goldring is no longer at Allenwood. In fact, he is no longer in the Commonwealth of Pennsylvania. Nonetheless, the Government does not oppose your efforts to depose him. Goldring is available during the week of September 29, 2003, and will appear at our Harrisburg office.

Robin Greggs & Violet Hursh

Likewise, the Government does not oppose your efforts to depose Greggs and Hursh, provided you comply with the Federal Rules of Civil Procedure. In my letter of August 13, 2003, I stated that our office would agree to accept service of the deposition subpoenas on the behalf of Greggs and Hursh. Nonetheless, Fed. R. Civ. P. 45(b)(1) requires you to tender to the named deponents "the fees for one day's attendance and the mileage allowed by law." A witness has no duty to appear at a deposition unless a subpoena has been properly served upon her and said subpoena is accompanied by a tender of a witness fee and mileage.³ Neither Greggs nor Hursh are willing to waive their witness fee and mileage. Please note that even though you are proceeding *in forma pauperis*, you are still required to pay your own litigation (discovery) expenses.⁴ Thus, if you want to depose any non-party witness, you must tender a witness fee, mileage and pay the stenographer.

¹Fed. R. Civ. P. 30(b).

²*Id.*

³*Alexander v. Jesuits of Missouri Province*, 175 F.R.D. 556 (D. Kan. 1997).

⁴*Tabron v. Grace*, 6 F.3d 147 (3d Cir. 1993), *cert. denied*, 510 U.S. 1196 (1994); *Canady v. Kreider*, 892 F. Supp. 668 (M.D. Pa.), *aff'd per curiam*, 74 F.3d 1225 (3d Cir. 1995); *Boring v. Kokakiewicz*, 883 F.2d 468 (3d Cir. 1987); *Johnson v. Hubbard*, 698 F.2d 286 (6th Cir. 1983); *Rivera v. DisAbato*, 962 F. Supp. 38 (D. N.J. 1997).

Irving Alvin

As I advised you in my September 3rd letter, Alvin is currently an inmate at Allenwood. Accordingly, Fed. R. Civ. P. 30(a)(2) requires you to obtain leave of court before deposing an inmate. The Government will oppose your efforts to depose Alvin.

Thank you for your attention to this matter.

Sincerely,

THOMAS A. MARINO
United States Attorney



D. BRIAN SIMPSON
Assistant United States Attorney

cc: Joseph McCluskey, Attorney-Advisor, FCI Allenwood
FAX (570)547-7751

Michele Lincalis, Paralegal, Williamsport
FAX (570)326-7916



U.S. Department of Justice

Thomas A. Marino
United States Attorney
Middle District of Pennsylvania



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Suite 311
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Building
Suite 316
240 West Third Street
Williamsport, PA 17701-6465
(570) 326-1935
FAX (570) 326-7916

Please respond to: Harrisburg Office

September 8, 2003

FIRST CLASS MAIL

M. Ash-Sharief Al'Askari
5737 N. 12 Street
Philadelphia, PA 19141

RE: *Al'Askari v. Hawkes, et al.*
No. 1:CV-00-1449 (USDC MDP)

Dear Mr. Al'Askari:

Thank you for agreeing to reschedule the depositions in this case. As I mentioned in my previous letter, Douglas Goldring, Viola Hursh and Robin Greggs are available to be deposed the week of September 29th through October 2nd. I understand that you would prefer to depose the witnesses on October 9th or 10th. Unfortunately, not everyone is available on either of those October dates. I would ask you to review your schedule and see if it is possible that you could depose the witnesses on any day during the week of September 29th through October 2nd. If not, please provide me with a list of alternative dates and I will determine the witnesses' availability. For the sake of everyone, I would like to conduct all of the depositions on one day.

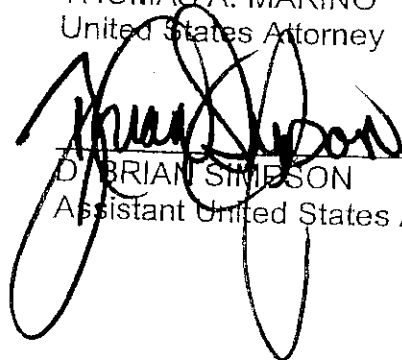
Because our Williamsport office is in effect a satellite office, it would be extremely difficult to make the arrangements necessary to conduct the depositions there. The Williamsport office has only one conference room and it is smaller than the conference rooms in Harrisburg. Simply put, it will be easier to make the necessary arrangements and hold the depositions in Harrisburg. If you would agree to conduct the depositions in Harrisburg, Hursh and Greggs will waive the witness and mileage fees that they would otherwise be entitled to under Fed. R. Civ. P. 45. That is to say, that Hursh and Greggs will appear in Harrisburg at no cost to you. Moreover, I believe that holding the depositions in Harrisburg would require you to travel a shorter distance.

Please be advised that you are responsible for making arrangements for a stenographer to attend any depositions that you wish to take.¹ Likewise, you are responsible for all costs incurred in any such depositions.² The Government **will not** make the arrangements for you. Nonetheless, as a courtesy I am providing you with a listing of agencies that offer stenographic services. Please be aware that if the depositions cannot go forward because you have failed to make the proper arrangements, the Government will seek to recover its costs from you.

Thank you for your attention to this matter.

Sincerely,

THOMAS A. MARINO
United States Attorney



D. BRIAN SIMSON
Assistant United States Attorney

enclosure

cc: Joseph McCluskey, Attorney-Advisor, FCI Allenwood
FAX (570)547-7751

Michele Lincalis, Paralegal, Williamsport
FAX (570)326-7916

Steve Carmichael, U.S. Parole & Probation
FAX (215)597-8856

¹Fed. R. Civ. P. 30(b).

²*Id.*

EXHIBIT

12

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

M. ASH-SHARIEF AL'ASKARI,

PLAINTIFF,

V.

CIVIL NO.1449(CALDWELL)
(SMYSER, M.J.)

KATHLEEN HAWKES ET AL.,

DEFENDANTS

NOTICE OF DEPOSITION

To: Robert Goldring,
Robin Greggs
Viola Hursh

C/o Joseph McClusky, Attorney/Advisor,
Allenwood Complex
POB2500
White Deer, PA 17887

NOTICE is hereby given to Robert Goldring, Robin Greggs and Viola Hursh pursuant to Federal Rules of Civil Procedure, your oral depositions will be taken before a officer of the court as authorized by law to administer oaths, on Thursday, 2 October, at 11:30 at the office of the U.S. Attorney for the MDPA, U.S.Courthouse, 228 Walnut St, Harrisburg, PA 17108.

Further, pursuant to Federal R. Civ. P. 30(b) (5),(6) you all are requested to produce for inspection and copying at your depositions the following documents:

R.GOLDRING: You are particularly requested to produce for inspection and copying at your deposition all documents created, authorized or signed by you related in part or whole to any action involving you and the plaintiff, directly or indirectly, at FCI Allenwood during the period of 1999. Further, you are requested To produce for inspection and copying at your deposition all institution policy statements relevant to "donating of property", all records

of the plaintiff's alleged "donation" of his property to the BOP.

R.GREGGS: You are particularly requested to produce for inspection and copying at your deposition all and any of the plaintiff's re-requests for any administrative remedial actions inclusively while at FCI Allenwood; further, produce for inspection and copying FCI Allenwood's Institution Policy Statements relating to 28 C.F.R.SUBSECT 542.10 ET SEQ., and all records of the UDC AND DHO proceedings involving Goldring, Hursh and the plaintiff during the period of 1999.


V.HURSH: You are particularly requested to produce for inspection and Copying at your deposition the following Record Log Books of UNIT 3A (FCI ALLENWOOD), respectively, the Unit guard's Log book and the Unit counselor's log book for the dates of 4th And 5th of April, 1999.

Certificate of Service

I do hereby certify that I have FAX a copy of the foregoing Notice of Deposition upon the named deponents to their places of business:

BOP
ALLENWOOD COMPLEX
POBOX 2500
C/O JOSEPH McCLUSKY
ATTORNEY-ADVISOR,FCI ALLENWOOD
WHITE DEER, PA 17887
FAX (570)547 7751

Date:23 September 2003


M. Ash-Sharief A. Askari
5737 N.12 St
Phila., PA 19141

**U.S. Department of Justice**

Thomas A. Marino
United States Attorney
Middle District of Pennsylvania

EXHIBIT

13

William J. Nealon Federal Building
Suite 311
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Building
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240 West Third Street
Williamsport, PA 17701-6465
(570) 326-1935
FAX (570) 326-7916

Please respond to: Harrisburg Office

October 21, 2003

FIRST CLASS MAIL

M. Ash-Sharief Al'Askari
5737 N. 12 Street
Philadelphia, PA 19141

RE: *Al'Askari v. Hawkes, et al.*
No. 1:CV-00-1449 (USDC MDP)

Dear Mr. Al'Askari:

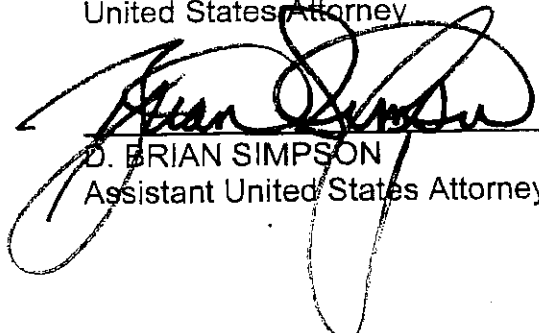
It has come to my attention that you are attempting to contact agency counsel, Joseph McCluskey, directly in this case. As you know, I am counsel for the United States, its agency and its employees in this matter. Therefore, to the extent that you believe that you need to communicate with the United States, the Bureau of Prisons, Douglas Goldring or the other federal employees in this matter, I respectfully request that you direct those communications to me. Both my office address and phone number are set forth above.

In the event that you attempt to reschedule depositions of witnesses in this case you must comply with the Federal Rules of Civil Procedure. Specifically, Fed. R. Civ. P. 30 and 45. Moreover, please be advised that I will be out of the office from October 27, 2003, through November 10, 2003.

Thank you for your attention to this matter.

Sincerely,

THOMAS A. MARINO
United States Attorney



D. BRIAN SIMPSON
Assistant United States Attorney

cc: Joseph McCluskey, Attorney-Advisor, FCI Allenwood
FAX (570)547-7751

Michele Lincalis, Paralegal, Williamsport
FAX (570)326-7916

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

M. ASH-SHARIEF AL'ASKARI,	:	
Plaintiff	:	Civil No. 1:CV-00-1449
	:	(Caldwell, J.)
v.	:	(Smyser, M.J.)
	:	
KATHLEEN HAWKES, et al., ,	:	Electronically Filed
Defendants	:	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That on November 5, 2003, she served a copy of the attached

DEFENDANT'S EXHIBITS SUBMITTED IN SUPPORT OF
HIS MOTION FOR A PROTECTIVE ORDER

by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

Addressee:

M. Ash-Sharief Al'Askari
5737 N. 12th Street
Philadelphia, PA 19141

s/ Michele E. Lincalis
MICHELE E. LINCALIS
Paralegal Specialist